

**CHILD PROTECTION ACCOUNTABILITY COMMISSION
JANUARY 12, 2005
CARVEL STATE OFFICE BUILDING, 820 N. FRENCH STREET
GOVERNOR'S CONFERENCE ROOM**

MINUTES

Those in attendance:

Members of the Commission:

The Honorable Peggy Ableman
The Honorable Patricia Blevins
Tania M. Culley, Esq.,
Susan Cycyk
Peter Feliceangeli, Esq.
Carlyse A. Giddins
Sgt. Phil Hill
John Humphrey
The Honorable Chandlee Johnson Kuhn
The Honorable Jennifer Mayo
Janice Mink
Mary Ball Morton (proxy for Sec. DeSantis)
Julia Pearce
Jennifer Barber Ranji, Esq., Chair

Statutory Role:

Child Protection Comm. 16 Del. C. §912(a)(10)
Member, Senate 16 Del. C. §912(a)(6)
Executive Director
Dir. of Child Mental Health 16 Del. C. §912(a)(9)
Attorney General's Office 16 Del. C. § 912 (a)(3)
Dir. of Div. of Family Servs. 16 Del. C. § 912 (a)(2)
Child Protection Comm. 16 Del. C. §912(a)(10)
Child Protection Comm. 16 Del. C. § 912 (a)(10)
Family Court 16 Del. C. § 912(a)(4)
Family Court 16 Del. C. § 912(a)(4)
Child Protection Comm. 16 Del. C. § 912 (a)(10)
Children's Department 16 Del. C. § 912(a)(1)
Child Placement Review Board 16 Del. C. § 912 (a)(7)
Child Protection Community 16 Del. C. § 912 (a)(10)

Tania M. Culley, Esq.

Executive Director, CPAC

Guests:

Mary Catherine Landis, Esq.
Joe Bakker
Anne Pedrick
Candace Charkow
Karen DeRasmo
Allison Bailey
Marianne Kenville-Moore
Harvey Doppelt, Ph.D.

Laura Miles
Lynn Shreve
Joseph Smack
Florence Alberque
Andrea Schaeffer
Trish Hearn
Tina Showalter, Esq.

I. Welcome/Introductions

II. Approval of Minutes – 10/13/04 Meeting

The minutes of the October 13, 2004 meeting were unanimously approved with a few minor changes. Frank Perfiniski's name was corrected on page two. Page numbers were added throughout. On page four, the word "sited" was changed to "located". On page 6, paragraph D, "Janice Mink" was changed to "Susan Cycyk."

III. Special Committee Reports

A. Near Death

Judge Ableman reported on the progress of the CPAC subcommittee convened to review child near deaths due to abuse and/or neglect. The group is conducting an intense review of their first case, involving one child. Judge Ableman reported excellent cooperation from DFS and highly praised the professionalism of Mary Ball Morton. Judge Ableman felt that the process was moving forward well and was less intimidating than in the past and that the witnesses were all evidencing a high degree of cooperation and honesty. She expressed that the subcommittee had two concerns. The first concern was the lack of cooperation from the Attorney General's office to direct requests for information by the subcommittee. The subcommittee feels that a very important aspect of the review is the DOJ's involvement with this family. The next session of this review is scheduled for January 24, 2005 and the subcommittee requests that the Attorney General's office appear.

The second concern voiced by Judge Ableman on behalf of the subcommittee revolved around some statements that came out during the review. Some employees of DFS have stated that their caseloads are consistently high and that DFS is "playing with the numbers." Judge Ableman expressed concern that CPAC could be receiving an inaccurate picture of the caseloads. Judge Ableman explained that there was considerable discussion within the subcommittee about how to broach this topic today and it was felt that the subcommittee has an obligation to bring this to CPAC immediately as this is an issue CPAC has long been concerned about. In addition, this issue came up and is not a factor in the current review. Carlyse Giddins, on behalf of DFS, expressed outrage that anyone could believe she would report inaccurate information. The quarterly reports made to CPAC are based on regional averages and the reports include the number of workers over average for each region. It was suggested that it would be more appropriate to have DFS respond to these allegations in the review setting where the allegations were made. Jennifer Ranji stated that addressing the concerns in that forum would not be appropriate, since it was a broader policy issue regarding the information shared with CPAC.

Considerable discussion ensued regarding what statistics are appropriate for CPAC review. Some expressed concern that averages don't convey the true nature of a potential problem if some workers are consistently over that average by a significant number. Ms. Giddins explained that if a worker approaches a high number over the standard, immediate assistance is provided, including Family Service Assistant help with things like transport for visits, the limitations on over time pay are lifted during caseload spikes and casual seasonal help with things like collateral contacts and other measures. Members of the subcommittee asked if supervisors are being told to get the caseloads down. Ms. Giddins denied telling anyone to get the numbers down. She also emphasized that supervisors and workers are held accountable for performance. Upon questioning regarding resources, Ms. Giddins stated that DFS always has the expectation to meet the standards, but movement happens and she will not be in a position to say that the standards will be met 100% by fully functioning workers. Ms. Giddins explained that she does not believe that it is a matter of resources; it is a matter of getting the staff hired and trained. They are continuing to hire, but it is a process that takes some time. In addition, Ms. Giddins explained, that they are continuously looking for patterns to see if additional resources are necessary. She cited Kent County treatment as an

example. Every treatment worker is over standard, so she has asked that one of the trainee positions be converted to a permanent position. Questions were raised during this discussion about staffing issues in the New Castle County 2 region. Ms. Giddins stated that there is chronic and consistent turnover, so having additional staff is not the answer. Candy Charkow stated that she does call regional administrators to tell them they need to keep their caseloads down. She said that safety is the priority, but that they must work within budget constraints. Senator Blevins noted that no one has disputed the facts that were presented that cases were over 20 for the worker who reported the information to the subcommittee. The discussion concluded without specific resolution to the issues raised, but a suggestion that the SB265 Subcommittee be reconvened to review these caseload issues as well as the statistics brought in by the various members of the Commission.

B. ASFA Timelines

Commissioner Mayo reported on the progress of this subcommittee. She explained that the scope of this project is enormous, so they have narrowed their focus to the year 2002 in Kent County. A list of children in care in 2002 has not been found, so this will be a manual process of reviewing the physical files for the pertinent information. There was discussion surrounding how to keep track of this information going forward so that these statistics would be readily available. Chief Judge Kuhn pledged the support of the information technology staff of the Court, and the pursuit of a federal grant. For now, Commissioner Mayo stated that the subcommittee would be focused on a snapshot of time in an effort to determine how Delaware is complying with ASFA timeframes.

C. Educational Needs of Foster Children

Tania Culley reported that this subcommittee has the daunting task of understanding multiple layers of agency involvement in the educational process and how it all impacts foster children. So far, the group has been focused on understanding all of the various players and laws. They have reviewed the Educational Surrogate Parent program, the McKinney-Vento Act, and IDEA. What has become clear is that multidisciplinary training is needed for child welfare and education. The school partners need training in child welfare and agencies such as DFS, the courts, and the Office of the Child Advocate need training on the educational process. A comprehensive fall conference is being planned and Commission members are requested to look at their budgets and determine what funds they can commit to this endeavor. The next meeting of this subcommittee is February 17, 2005 at 3:00 pm.

D. Family Court Extended Jurisdiction

Julia Pearce reported on the progress of this subcommittee. This group is still struggling with defining the scope of the legislation. The subcommittee plans to hear from partners involved in providing the adult services once a child turns 18 to see if there are better ways of connecting youth to adult services. The next meeting is scheduled for February 10, 2005 at 3:30 at the Child Placement Review Board.

E. Mental Health Assessments for Foster Children

Susan Cycyk reported that CMH has a budget request to implement the Arizona model of assessments for foster children that would provide for a mental health assessment within 24 hours of a child entering foster care and again one month later.

F. Best Interests

Julia Pearce reported that the work of this subcommittee, which is a joint venture of the Interagency Committee on Adoption and CPAC, has been completed. Ms. Pearce distributed a draft of legislation to modify the best interests statute. The legislation was assigned to CPAC's legislative subcommittee for review.

G. Community Notification

Karen DeRasmo and Janice Mink presented the report on this subcommittee. They reported that this subcommittee is focused on building a website that is both educational and informative with the goals of keeping children safe and dispelling myths regarding sexual abuse. They have been looking at what other states have done. The subcommittee is also concerned about homeless offenders and the registration process. The next meeting of the subcommittee is tomorrow.

H. Legislative

Chief Judge Kuhn reported that this subcommittee would be meeting on January 20, 2005 at 10:30 in the 9th floor conference room of the courthouse.

IV. Agency Reports/Statistics

A. Division of Family Services

Carlyse Giddins presented the statistics for the Division of Family Services. As of December 2004, 14 investigation workers were over standard breaking down as follows: 4 at 15 cases, 3 at 16, 3 at 17, 1 at 18, 1 at 19 and 2 at 20. As of January 3, 2005, 13 investigation workers were over standard and by January 10, 2005, 11 were over standard. In the region New Castle 2, 8 investigation workers are over standard. In the Kent region, 11 of 16 workers are operating fully functional. There are presently 7 vacancies in the 15 trainee positions with 5 of those vacancies in the New Castle 2 region. Ms. Giddins explained that the full impact of hiring a new trainee is generally not felt for three to six months. Ms. Giddins described the administration's efforts to open lines of communication with the regions. They have been going on "road shows" to each region to meet with staff and hear concerns. At the top of the concerns expressed by workers in the region is the expectations of the court when the workers come in to testify. DFS plans to address this issue by hiring additional Family Service Assistants to provide support. The court is working with DFS to address certain issues, such as workers waiting all day to testify. Kent County has modified its court schedule so that workers are waiting, at most, half of the day. DFS is also assisting workers by developing criteria for court testimony. An additional burden is that workers are now expected to attend criminal hearings regarding children in care. Chief Judge Kuhn stated that the court is going to be looking at how criminal cases are calendared with an eye toward possibly streamlining the

processes. Tania Culley expressed concerns over the length of time spent waiting for criminal hearings in New Castle County, and for civil hearings in Kent County.

With regard to training, DFS provided training on comprehensive decision-making including the review of history. This year, there will be training on sex abuse and legal requirements of dependency/neglect.

The Requests for Proposals (RFP's) are due today at 2:00. There was a successful bidders conference. Ms. Giddins offered her appreciation to Julia Pearce and others who are volunteering to help screen the proposals. She is optimistic that the proposals will increase continuity of care and stability. Ms. Giddins also reported on a recent trip to the Milton Hershey School in Pennsylvania. The Department will be partnering with the school to enable 5 to 10 children in care to attend the Milton Hershey School.

B. Child Mental Health

Susan Cycyk reported that of the 219,000 children in Delaware, 33.1% are Medicaid or uninsured and in the first quarter of FY 05, approximately 10% of those with Medicaid or were uninsured received mental health and/or substance abuse services through the child mental health system. Of those children receiving services, one-third was provided services directly by DCMHS and two-thirds by the Medicaid behavior health managed care organization. On October 31, 2004, half of the children served by DCMHS were active with more than one division of the Children's Department. During the first quarter of FY 05, 6% of the children served required hospital care and 94% were effectively served without hospitalization. During this same time period, DCMHS received 205 crisis calls and 99% were responded to within 24 hours. Of the children served by the DCMHS directly, 85% were supported to live with their families or relatives, 10% were in DFS placements and 5% were placed in institutional settings. 32 children are currently in Individualized Residential Treatment homes. 16 children are being served by a new service at the MH/IOP Terry Center. 8 children are in the new MH/DD IOP program which assists children with developmental disabilities. Two pilot programs are going on right now, including the FACT program, a federally funded grant program aimed at keeping at risk youth in their communities and the Holistic Services Team. The FACT program's funding will be going away in one year and DCMHS will be exploring ways to continue that program.

C. Family Court/CASA

Chief Judge Kuhn reported that the Criminal Justice Council had received a \$100,000 grant for the Delaware Girls Initiative. This grant will be used to study the issue of juvenile female incarceration and girls with chronic runaway behaviors. Chief Judge Kuhn also discussed the need for additional Family Court judges in the at-risk unit. The number of hearings these judges handle on a monthly basis has steadily increased over the years from 110 per month in 2001 to 192 per month in 2004. The months of May June and July were particularly troubling with 210, 213, and 199 dependency/neglect hearings respectively. Upon a motion duly made and seconded, CPAC voted unanimously to support the court's request for two additional judges.

CASA statistics were shared with CPAC. In calendar year 2004, CASA served 615 children and had 227 CASA volunteers.

D. Children's Advocacy Center

John Humphrey reported that the Sussex location continues to lead in terms of numbers of referrals. In 2004, the CAC scheduled 1133 interviews, and actually conducted 951 of them. Of those 951 interviews, 737 were for sex abuse, 120 were for physical abuse, 15 were a combination, 2 were for neglect, and 77 were witness interviews. Broken down by county, 360 interviews were conducted in New Castle County, 199 in Kent and 392 in Sussex. Approximately 3,650 multi-disciplinary in-person case reviews were conducted in 2004. The new Dover office is fully functioning and an open house will be planned for the near future. They have hired a new forensic interviewer, Janice Girard. In addition, there will be three LCSW's hired, one for each county. Mr. Humphrey reported that he is asking for a sizeable increase in the FY06 budget.

E. Department of Justice

There is a vacancy in New Castle County due to a transfer. Many of the interviewees for the position are current volunteers for the Office of the Child Advocate. Statistics were not available.

F. Department of Education

There was no update from the Department of Education.

G. Law Enforcement

There was no update from law enforcement.

H. Child Placement Review Board

Julia Pearce reported that the CPRB's Annual Report was recently released. Pertinent statistics from that report show 1,209 children in foster care during FY04. CPRB reviewed 733 children, 547 of which were unduplicated reviews. Of the 547 children, 186 had a goal of TPR/adoption, 202 had a goal of APPLA/Independence, 127 had a goal of return home, 11 had a goal of relative custody, 19 had a goal of guardianship, and 2 were without a clear goal. Of these 547 children, the number of placements they had broke down as follows:

1 placement	94 (17%)
2 placements	97 (18%)
3 placements	80 (15%)
4 placements	47 (9%)
5-9 placements	126 (23%)
10-14 placements	48 (9%)
15-19 placements	24 (4%)
20-24 placements	14 (3%)
25-44 placements	17 (3%)

CPRB data shows 163 children exiting foster care in FY04. Out of those 163, 65 aged out, 76 were adopted or placed in a guardianship, 11 were in the custody of a relative and 10 returned home. If anyone did not receive an annual report, feel free to contact Julia for a copy.

I. Office of the Child Advocate

Tania Culley reported that M.C. Landis has resigned from OCA and the process to replace her is under way. She also reported that her budget request for a Deputy Child Advocate in Sussex County is the first item on Chief Justice Steele's list of non-mission critical items. Upon a motion duly made and seconded, CPAC voted unanimously to support OCA's request for a Sussex Deputy. Ms. Culley also reported that OCA has 6 nuts and bolts trainings and 6 advanced trainings scheduled for this spring. OCA is currently representing 514 children.

V. DSCYF Holistic Services Team

Susan Cycyk introduce Dr. Harvey Doppelt to talk about the Holistic Services Team (HST). Dr. Doppelt was charged with running this Department initiative that is housed in DCMHS. The Department was looking to bring a "system of care" approach to children involved in multiple divisions. The HST was to provide one worker for all divisions, DFS CMH and YRS. It is a pilot program that is still being evaluated. There are a number of criteria for a child to qualify for HST, but the common thread is that the child has bounced around the Department with multiple placements. Paul Bussard is the team leader overseeing three case managers which oversee all three divisions. The HST currently serves 31 identified children and 52 associated children. The current caseload standard is no more than 15 identified clients, but that number is being dropped, although a final number has not been set yet. Regardless, if the workload is counted by child not case, each worker is carrying 28 children.

This program is still in the testing phase. A question was posed whether someone can be expert in all the different areas and Dr. Doppelt stated that it is unknown at this time. There is a great deal of documentation required and the FACTS computer system was not designed for a unified case plan. The HST now has a Family Service Assistant and will be adding another one. Like the more traditional treatment workers, the HST workers are spending a great deal of time in court. One benefit to the HST is that there is a unified case plan with one worker overseeing all facets of the child's plan. However, these are extremely difficult cases because often parents are not involved and the children are hard to stabilize in placements. Dr. Doppelt stated that the goal is to have all HST workers fully training in all three divisions. Ms. Cycyk reported that in terms of outcome measures, it is unclear at this point whether children in HST are better served than by being served by workers in all three divisions. Tania Culley noted that OCA has attorneys for each child in the HST unit except two (with CASA representing one and one still unrepresented), and that overall, the HST has improved a little in recent months, but that they seem to struggle the most with the DFS piece. OCA remains skeptical as to whether this program, as applied, is in the best interests of children.

VI. Old Business from 10/13/04 Meeting

A. Department Employee Satisfaction Survey

This item was deferred to the April CPAC meeting.

B. NCC Group Homes for Adolescents

DFS reported that of the 13 children previously placed in Catholic Charities group homes, all had been moved to new placements.

The next meeting of the Runaway Youth Workgroup is scheduled for January 21, 2005 at 1:00 pm.

VII. New Business

A. Child Death, Near Death and Stillbirth Commission

Florence Alberque, the new director of the Child Death, Near Death and Stillbirth Commission reported on the progress of this new agency. The third panel is not yet up and running due to the multiple requirements to get that done. There will be a joint meeting of CPAC and CDNDSC on September 19, 2005.

VIII. Other Business

The CPAC special legislative meeting will be held on May 25, 2005 instead of May 23, 2005 as originally scheduled.

John Humphrey asked for a presentation by DFS on the hotline procedures, i.e., what reports are taken and what should be reported.

IX. Public Comment

There was no public comment

X. Adjournment

There being no further discussion, the meeting was adjourned at approximately 12:15 p.m.